

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MAXWELL AGRI SERVICE, LLC d/b/a  
MADISON'S GREAT WESTERN,

Plaintiff,

vs.

KENDA K. HUBER, and WILLIAM J.  
HUBER, d/b/a HUBER FARMS,

Defendants.

**4:19CV3057**

**ORDER TO SHOW CAUSE**

This matter comes before the court after a review of the docket and pursuant to NECivR [41.2](#), which states in relevant part: “At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution.”

Plaintiff commenced this action on June 17, 2019. ([Filing No. 1](#)). On August 22, 2019, Plaintiff filed a sheriff’s return purporting to show that the defendants were served with the summons and complaint on August 19, 2019. ([Filing No. 8](#)). To date, the defendants have not filed any responsive pleading and Plaintiff has taken no further action in this case. Plaintiff has a duty to prosecute the case and may, for example, seek default in accordance with the applicable rules, voluntarily dismiss the action, or take other action as appropriate. Under the circumstances, Plaintiff must make a showing of good cause for failure to prosecute or the action must be dismissed. Accordingly,

**IT IS ORDERED:** On or before **October 24, 2019**, Plaintiff must show cause why this case should not be dismissed for failure to prosecute or take some other appropriate action.

Dated this 10<sup>th</sup> day of October, 2019.

BY THE COURT:

s/ Michael D. Nelson  
United States Magistrate Judge